

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS
GRANTING A WAIVER AND VARIANCE TO FENCING REGULATIONS
AT 4200 COUNTY ROAD 78; WITH RELATED PROVISIONS**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF IOWA COLONY, TEXAS:**

SECTION 1. Findings of Fact

- a. The Planning and Zoning Commission has made a report to the City Council concerning this variance.
- b. The City Council has determined that a waiver or variance should be granted as herein provided, because the criteria in Section 3.3.2.1 of the Unified Development Code and Section 55 – Fences of the Zoning Ordinance have been satisfied.
- c. All requirements of law concerning this ordinance and the waiver and variance herein granted have been satisfied.

SECTION 2. Legal Requirements

Section 3.3.2.1 of the Iowa Colony Unified Development Code provides:

(b) *Fences permitted in front yard(s) adjacent to a public street.*

(1) Except as provided by subsection (b)(2) (decorative fences) below, no fence or wall shall be permitted within the required front yard of any single-family or duplex residential lot which is adjacent to a public street. No residential fence shall be closer than 15 feet to a public street; however, in cases where the side or rear building line of the yards on continuous corner lots adjoin (i.e., the side yard lot is not a key corner lot), the fence may be constructed out to the property line of the side yard, such that the street side yard may be included as part of the lot's rear yard area.

(2) Decorative fences. Decorative fences with openings not less than 50 percent of the fence area and not exceeding four feet in height are permitted in front yards. Chain link, woven wire mesh metal panel, or similar materials are not considered decorative fencing, and are therefore not allowed in front yards.

Section 55 – Fences of the Zoning Ordinance provides:

1. Height restrictions.

(a) The following portions of a fence shall not exceed four feet in height:

i. The portion of the fence in front of the front wall of the main building, if any, on the lot, tract, or parcel of land, if there is any building larger than 300 square feet thereon; and

ii. The portion of the fence that is closer to any street right-of-way than the applicable yard requirement or building setback line under the zoning ordinance, subdivision ordinance, or any other applicable law.

3. Grandfather exception for lawful nonconforming uses.

i. Except as otherwise provided herein, fences are subject to the same regulations as other structures concerning nonconforming uses. This subsection 55.a (general fence regulations) is enacted on August 18, 2014.

ii. However, if a fence or portion of a fence is built after August 18, 2014, and if the existence or location of a structure on that property is later changed so that the fence then becomes unlawful, then the fence is not a lawful nonconforming use, and the fence must be modified or removed as necessary to comply with this ordinance, within 30 days after it becomes unlawful.

SECTION 3. Background

The City has received an application for a variance from the above provision for the fence located at 4200 County Road 78. The background is more fully stated in the Staff Report attached hereto and incorporated herein in full.

SECTION 4. Grant of Waiver and Variance

Accordingly, the City Council hereby grants a waiver and variance to the requirements of Chapter 3, Division 2 Section 3.3.2.1 Fencing Allowed of the Uniform Development Code and Article V, Performance Standards, Section 55 – Fences concerning the fence at 4200 County Road 78; provided, however, that this variance is granted:

- a.** only to the extent shown in the **attached drawing(s)**;
- b.** but only to the extent stated in the **Staff Report attached hereto**;
- c.** in reliance upon the statements of fact in the **attached Application for Variance Request or Appeal** filed in this matter; and
- d.** subject to any conditions or limitations stated in the Staff Report.

SECTION 5. Savings Clause

The Unified Development Code, Zoning Ordinance and all other ordinances of the City shall remain in full force and effect except as specifically provided herein.

SECTION 6. Severance Clause

If any part of this ordinance, of whatever size, is ever declared invalid or unenforceable for any reason, the remainder of this ordinance shall remain in full force and effect.

SECTION 7. Effective Date

This ordinance shall be effective immediately upon its passage and approval.

PASSED AND APPROVED ON FEBRUARY 23, 2026.

CITY OF IOWA COLONY

By: _____
WIL KENNEDY, MAYOR

ATTEST:

KAYLEEN ROSSER, CITY SECRETARY

APPLICATION
AND
STAFF REPORT

ATTACHMENTS TO ORDINANCE GRANTING
VARIANCE TO CERTAIN PROVISIONS OF
UNIFIED DEVELOPMENT CODE AND ZONING
ORDINANCE
FOR 4200 COUNTY ROAD 78